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CENTRAL DIST. OF CALIF.
LOS ANGELES

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CV 08-05266

GW (CWx)

BARRETTE JASPER, on behalf of
himself and all others similarly
situated,

Plaintiffs,

vs.

C.R. ENGLAND, INC.,
and DOES 1 through 100, inclusive,

Defendants.

CASE NO.

CLASS ACTION

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant, C.R. England, Inc. ("C.R. England") hereby removes this case from the Superior Court of Los Angeles County, California, to the U.S. District Court for the Central District of California. In support of this removal, C.R. England states the following:

1. The Action. Plaintiff, Barrette Jasper, filed his Class Action Complaint for Damages, Injunctive Relief, and Restitution (the "Class Action Complaint"), captioned *Barrette Jasper, on Behalf of Himself and all Others Similarly Situated vs. C.R. England, Inc., and Does 1 Through 100 Inclusive*, Case No. BC-393631, in the Superior Court of Los Angeles County, California, on July 1, 2008. The Class Action Complaint asserts causes of action for (1) failure to pay overtime compensation in violation of Cal. Lab. Code § 510; (2) failure to provide

1 meal periods or compensation in lieu thereof in violation of Cal. Lab. Code
 2 §§ 226.7 and 512, and applicable IWC Wage Orders; (3) failure to provide rest
 3 periods or compensation in lieu thereof in violation of Cal. Lab. Code § 226.7 and
 4 applicable IWC Wage Orders; (4) failure to comply with itemized employee wage
 5 statement provisions in violation of Cal. Lab. Code §§ 226 and 1174 and
 6 applicable IWC Wage Orders; (5) unauthorized deductions from earned wages in
 7 violation of Cal. Lab. Code §§ 221-223 and 400, *et seq.*; (6) violations of the unfair
 8 competition law in violation of Cal. Bus. & Prof. Code §§ 17200, *et seq.*; and (7)
 9 violations of California's Private Attorney General Act of 2004 ("PAGA").
 10 Copies of all the pleadings and papers filed by Plaintiff in the Superior Court of
 11 Los Angeles County, California of which C.R. England is aware are attached as
 12 *Exhibit A*.

13 **2. Statutory Grounds for Removal.** This action is removable under 28
 14 U.S.C. § 1441(a), 28 U.S.C. § 1441(b), and 28 U.S.C. § 1453. 28 U.S.C.
 15 §§ 1441(a), (b) provide for the removal of state court civil actions over which U.S.
 16 District Courts have original jurisdiction. As is explained in greater detail below,
 17 this Court has original jurisdiction over this case under 28 U.S.C. § 1332(d)(2)
 18 because this is a class action in which the proposed class includes at least 100
 19 members, the amount in controversy exceeds \$5 million, exclusive of interest and
 20 costs, and Plaintiff and C.R. England are citizens of different states. As such, this
 21 action is removable pursuant to 28 U.S.C. § 1453, which provides that a class
 22 action may be removed to a federal district court in accordance with 28 U.S.C.
 23 § 1446.

24 **3. Citizenship of the Parties.** Plaintiff alleges he is a resident of the
 25 state of California, *Class Action Complaint*, ¶ 1, and he is therefore a citizen of
 26 California. C.R. England is a Utah corporation with its principal place of business
 27 located in Utah. C.R. England is therefore a citizen of Utah. 28 U.S.C. 1332(c).
 28 Plaintiff's naming of unidentified "Doe" defendants is irrelevant to removability.

1 See 28 U.S.C. § 1441(a) (“For purposes of removal under this chapter, the
2 citizenship of defendants sued under fictitious names shall be disregarded.”);
3 *Kruso v. Int’l Tel. & Telegraph Corp.*, 872 F.2d 1416, 1424 (9th Cir. 1989) (the
4 naming of Doe defendants cannot defeat diversity jurisdiction). Thus, Plaintiff and
5 C.R. England are citizens of different states, and the diversity requirements of 28
6 U.S.C. §§ 1332(a)(1) and 1332(d)(2) are satisfied.

7 **4. The Aggregate Number of Proposed Class – 28 U.S.C. §**
8 **1332(d)(5)(B).** Plaintiff defines the proposed class to consist of “[a]ll employee
9 truck drivers of C.R. England who were employed in California during the
10 applicable statute of limitations.” *Class Action Complaint*, ¶ 6. Based on this
11 allegation and from a review of its payroll records, C.R. England has determined
12 that it employed at least 1,000 employee truck drivers in California during the four
13 years preceding the filing of the Class Action Complaint and that, therefore, the
14 aggregate number of the proposed class is at least 1,000 members. As a result, the
15 proposed class in this case meets the 100 members or greater requirement of 28
16 U.S.C. § 1332(d)(5)(B).

17 **5. Amount in Controversy – 28 U.S.C. § 1332(d)(2).** C.R. England
18 denies all of Plaintiff’s material allegations. To the best of C.R. England’s
19 information and belief, and without admitting either that it is engaged in any
20 improper conduct, that Plaintiff’s claims have any merit, or that Plaintiff and the
21 putative class are entitled to any of the relief they request, the amount in
22 controversy by virtue of the claims asserted by Plaintiff on behalf of the putative
23 class exceeds \$5 million, exclusive of interest and costs. As stated, based on
24 Plaintiff’s proposed class and a review of its payroll records, C.R. England
25 estimates that there are at least 1,000 putative class members (i.e., employee truck
26 drivers in California) during any calendar year from 2004 to the present. Based on
27 payroll records, C.R. England also estimates the average hourly pay rate earned by
28 Plaintiff and the putative class members during this period is at least \$13 per hour

1 and Plaintiff and the putative class members work on average at least 50 hours per
2 week.

3 In his Class Action Complaint, Plaintiff's First Cause of Action asserts that
4 Plaintiff and the putative class members are entitled to damages for C.R. England's
5 alleged failure to pay overtime compensation in violation of Cal. Lab. Code § 510
6 between July 1, 2004 and July 1, 2008. *See Class Action Complaint*, ¶¶ 6, 23-27.
7 If Plaintiff proves that each of the approximately 1,000 California-employed truck
8 drivers that earned wages between July 1, 2004 and July 1, 2008 are entitled to one
9 hour of overtime per week for those weeks, Plaintiff's First Cause of Action alone
10 would amount to \$1.352 million, based on each employee earning an average of
11 \$13 per hour and working an average of 50 hours per week.

12 In his Class Action Complaint, Plaintiff's Second and Third Causes of
13 Action assert that Plaintiff and the putative class are entitled to recover from C.R.
14 England two additional hours of pay for each workday that meal and rest breaks
15 were not provided to them pursuant to Cal. Labor Code §§ 512 and 226.7 and
16 applicable IWC Wage Orders. *See Class Action Complaint*, ¶¶ 28-38. If Plaintiff
17 proves that each of the 1,000 annual class members is entitled to recover two hours
18 of pay per day for missed meal and rest breaks at an average pay of \$13 per hour,
19 Plaintiff's meal and rest period claims for the time period July 1, 2004 to July 1,
20 2008 would amount to \$5.408 million.

21 In his Class Action Complaint, Plaintiff's Fourth Cause of Action asserts
22 that Plaintiff and the putative class is entitled to damages for C.R. England's
23 alleged failure to provide drivers employed in California between July 1, 2007 and
24 July 1, 2008 – conservatively estimated at 1,400 drivers (the number of employee
25 drivers increased each year from 2004 to the present) – itemized wage statements
26 pursuant to Cal. Lab. Code §§ 226 and 1174, and provisions of the applicable IWC
27 Wage Orders. *See Class Action Complaint*, ¶¶ 39-44. If Plaintiff proves itemized
28 wage statements were not provided to each of the approximately 1,400 California

1 employee truck drivers who earned wages between July 1, 2007 and July 1, 2008,
2 Plaintiff's Fourth Cause of Action alone would amount to \$5 million, based on the
3 \$4,000 per employee cap, pursuant to Cal. Labor Code § 226(e).

4 For each cause of action, Plaintiff also claims the recovery of penalties under
5 PAGA and attorney fees under the relevant statutes applicable to those causes of
6 action. Under PAGA, Plaintiff therefore seeks a penalty of \$100 per week for the
7 first violation and \$200 per week for each succeeding violation of the Cal. Labor
8 Code. Based on the minimum number of 1,000 California employees between July
9 1, 2004 and July 1, 2008, Plaintiff is seeking on behalf of the putative class
10 \$10,300 per year per driver or a total of \$13,320,000 per year for each of four years
11 under PAGA. Because there are statutes authorizing an award of attorney fees in
12 connection with those five causes of action, Plaintiff's anticipated attorney fees are
13 also to be included in calculating the amount in controversy for purposes of
14 determining the jurisdictional amount. *See Galt G/S v. JSS Scandinavia*, 142 F.3d
15 1150, 1155-56 (9th Cir. 1998) (attorney fees award may be included in the amount
16 in controversy when an underlying statute authorizes their award).

17 Thus, Plaintiff's allegations establish that the amount in controversy in this
18 class action is in excess of 28 U.S.C. § 1332(d)(2)'s \$5 million jurisdictional
19 threshold.

20 **6. Class Action.** This case is a class action within the meaning of 28
21 U.S.C. §§ 1332(d)(2) and 1453. Those statutes provide that a class action is a civil
22 action filed either under Rule 23 of the Federal Rules of Civil Procedure or under a
23 similar state statute or rule that authorizes one or more representative persons to
24 maintain a class action. *Id.* In this case, Plaintiff's Class Action Complaint
25 expressly states at ¶ 5 that Plaintiff has filed it as such under Cal. Code of Civil
26 Procedure, § 382, which authorizes representative actions. There are more than
27 100 persons falling within the class definition set out at ¶ 6 of the Class Action
28 Complaint.

Exhibit "A"

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

C.R. ENGLAND, INC., and DOES 1-100, inclusive

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

BARRETTE JASPER, on behalf of himself and others similarly situated,

SUM-100

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OF ORIGINAL FILED
Los Angeles Superior Court

JUL 01 2008

John A. Clarke, Executive Officer/Clerk

By D.M. Swain, Deputy
D.M. SWAIN

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia. Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):

CASE NUMBER:
(Número del Caso):

BC393631

Los Angeles County Superior Court
111 North Hill Street
Los Angeles, CA 90012

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Brian Van Vleck (SBN 155250); Anthony J. Zaller (SBN 224844) Tel: (213) 996-8445 Fax: (213) 996-8378

Van Vleck Turner & Zaller LLP

555 W. Fifth Street, 31st Floor

Los Angeles, CA 90012

DATE:
(Fecha) JUL 01 2008

John A. Clarke

Clerk, by
(Secretario)

D.M. Swain, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☒ on behalf of (specify): C.R. England, Inc.
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☒ by personal delivery on (date):

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Los Angeles Superior Court

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6 Los Angeles, California 90013
7 Telephone: (213) 996-8445
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9 Attorneys for Plaintiff
10 BARRETTE JASPER

JUL 01 2008

John A. Clarke, Executive Officer/Clerk

By *D M Swain*, Deputy
D M SWAIN

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

10 BARRETTE JASPER, on behalf of himself and
11 others similarly situated,

12 Plaintiffs,

13 v.

14 C.R. ENGLAND, INC.; and DOES 1-100,
15 Inclusive.

16 Defendants.

Case No.

BC393631

CLASS ACTION

COMPLAINT FOR:

- (1) FAILURE TO PAY OVERTIME;
- (2) FAILURE TO PROVIDE MEAL
BREAKS OR PREMIUM
COMPENSATION FOR MISSED MEAL
BREAKS
- (3) FAILURE TO PROVIDE REST
BREAKS OR PREMIUM
COMPENSATION FOR MISSED REST
BREAKS;
- (4) FAILURE TO PROVIDE
ACCURATE ITEMIZED WAGE
STATEMENTS;
- (5) UNAUTHORIZED DEDUCTIONS
FROM EARNED WAGES;

CLASS ACTION COMPLAINT

1 Plaintiff Barrette Jasper files this Complaint against C.R. England, Inc., which on
 2 information and belief does business throughout the state of California, and DOES 1-100,
 3 (collectively, "Defendants"). Plaintiff is informed, believes and alleges as follows:

4 **THE PARTIES**

5 1. Plaintiff, Barrette Jasper ("Plaintiff"), is a former employee of C.R. England, who
 6 has resided in California at all times relevant hereto. Plaintiff worked as a driver for C.R. England
 7 from approximately August 2007 to February 2008.

8 2. C.R. England is one of the leading providers of transportation services throughout
 9 the United States. At all times relevant hereto, Defendant C.R. England has done business
 10 throughout the State of California, including the County of Los Angeles.

11 3. Does 1 through 100, inclusive, are sued as fictitious names since their true names
 12 and capacities are unknown to Plaintiff. When their true names and capacities are ascertained,
 13 Plaintiff will amend the Complaint to state the same. On information and belief, some of the
 14 fictitiously named defendants are officers, directors, employees and/or agents of Defendants.

15 **JURISDICTION AND VENUE**

16 4. Jurisdiction is proper in this Court by virtue of California statutes, decisional law,
 17 regulations. Venue in this Court is proper in that C.R. England conducts business in the County of
 18 Los Angeles and C.R. England violated the rights of persons employed by C.R. England in the
 19 County of Los Angeles.

20 **CLASS ALLEGATIONS**

21 5. This action is being brought on behalf of Plaintiff and all others similarly situated
 22 (collectively, "Plaintiffs" or "the Class"), as a class action pursuant to California Code of Civil
 23 Procedure section 382.

24 6. Plaintiff thus seeks to represent all employee truck drivers of C.R. England who
 25 were employed in California during the applicable statute of limitations. Plaintiff reserves his right
 26 under Rule 3.765 of the California Rules of Court to amend or modify the Class description with
 27 greater specificity or by further division into subclasses or limitation to particular issues.

1 7. Plaintiff is a member of the Class he seeks to represent and is the proposed
2 representative of the Class in the present litigation.

3 8. While the exact number of members of the Class is unknown to Plaintiff at this time
4 and can only be determined by appropriate discovery, membership in the class is readily
5 ascertainable from the records Defendants are required to keep by law. Plaintiff is informed and
6 believes that the Class is sufficiently numerous that individual joinder of all members is impractical
7 and the resolution of the claims alleged through the class action procedure will be beneficial to the
8 parties and the court.

9 9. Plaintiff will fairly and adequately represent the interests of the Class which he
10 proposes to represent. Plaintiff is an adequate representative as he has no interests which are
11 adverse to the interests of the Class. Plaintiff is committed to the vigorous prosecution of this
12 action and, to that end, has retained counsel who are competent and experienced in handling
13 employment-related class action litigation.

14 10. The claims of Plaintiff are typical of the claims of the other members of the Class
15 because Plaintiffs and each member of the Class have been subjected to the same systemic
16 violations of their statutory rights and, as a result, have been denied the same types of wages and
17 benefits required by law.

18 11. Common questions of law and fact exist as to the claims of the members of the
19 Class. Such common questions predominate over the questions, if any, which affect only
20 individual members. Such common questions include, but are not limited to:

- 21 a. Whether Defendant C.R. England has followed a consistent policy of refusing to pay
22 premium overtime compensation required by California law, including time-and-one
23 half premium pay for all hours worked in excess of eight per day or forty per week.
24 b. Whether Defendant C.R. England has followed a consistent policy of refusing to
25 schedule or provide class members with a 30-minute uninterrupted meal break, as
26 mandated by Labor Code section 512, before commencing their sixth hour of
27 continuous work;
28

- c. Whether Defendant C.R. England has followed a policy of refusing to pay the one hour of premium pay owed to its employees pursuant to Labor Code section 226.7 for each occasion on which they were required to work without a full, uninterrupted statutory meal break;
 - d. Whether Defendant C.R. England has followed a consistent policy of refusing to permit class members to take an uninterrupted 10-minute rest break, as mandated by Labor Code section 512, before commencing their fourth hour of continuous work;
 - e. Whether Defendant C.R. England has followed a policy of refusing to pay the one hour of premium pay owed to its employees pursuant to Labor Code section 226.7 for each occasion on which they were required to work without a full, uninterrupted statutory rest break;
 - f. Whether Defendant C.R. England has followed a consistent policy of failing to provide itemized wage statements to its California employees that include all of the information required by Labor Code section 226(a), including the applicable regular and overtime rates for all hours worked, the total hours worked, the premium pay earned for foregoing meal and rest breaks, and the name and address of the legal entity which actually employs the worker.
 - g. Whether Defendant C.R. England has followed a consistent policy of taking unauthorized deductions, including legal fees and wire transfer costs, from earned employee wages in order to pay the business expenses of the employer in violation of Labor Code sections 221-223.
12. A class action is superior to other available methods of adjudicating the claims asserted in this action for reasons including, but not limited to:
- a. The expense and burden of individual litigation make it economically unfeasible for each member of the Class to seek a separate, individual remedy;
 - b. If separate lawsuits were brought individually by each member of the class it would cause undue hardship and expense to the Court and litigants by necessitating multiple trials of similar factual and legal issues;

1 c. The prosecution of separate individual actions would create the risk of inconsistent
2 adjudications of similar factual and legal issues; and

3 d. Absent a class action, there would be a failure of justice, as Defendants would retain
4 the benefit of their illegal conduct and wrongdoing.

5 13. Defendants have acted or refused to act on grounds generally applicable to the
6 Class, thereby making appropriate final declaratory relief with respect to the Class as a whole and
7 necessitating that any other such relief be extended to the Class on a mandatory, class wide basis.

8 14. Plaintiff is aware of no difficulty which will be encountered in the management of
9 this litigation which should preclude its maintenance as a class action.

10 15. The names and addresses of many, if not all, of the members of the Class are
11 available from Defendants' own records. Notice can be provided to members of the Class via first
12 class mail or otherwise using techniques and a form of notice similar to those customarily used in
13 employment class actions under California law.

14 16. In addition to a certified class action pursuant to Code of Civil Procedure section
15 382, Plaintiff also seeks to proceed on behalf of similarly situated employees pursuant to the
16 California Private Attorney Generals Act, Labor Code section 2698 et seq. ("PAGA"). Plaintiff
17 has exhausted, or is in the process of exhausting, all administrative prerequisites to maintaining
18 such a representative action. Plaintiff seeks to recover all penalties authorized by the PAGA and/or
19 California Labor Code on behalf of the Class and the State of California.

20 **GENERAL ALLEGATIONS**

21 17. Plaintiff has been employed by C.R. England as an intra-state driver during times
22 within the statute of limitations period. In that capacity he has been compensated throughout his
23 employment with C.R. England on a non-exempt basis.

24 18. Throughout Plaintiff's employment with C.R. England in California, he has been
25 subjected to C.R. England's common corporate policy of non-compliance with California labor
26 laws, including C.R. England's non-payment of overtime, C.R. England's failure to provide meal
27 and rest breaks, C.R. England's failure to pay premium compensation equal to one hour's pay for
28 all missed meal and rest breaks, C.R. England's failure to provide accurate itemized wage

1 statements, and C.R. England's unauthorized deductions from earned wages to recover its business
2 expenses.

3 19. This conduct toward Plaintiff is consistent with C.R. England's uniform state-wide
4 policy and practices throughout its California operations. According to this policy and practice,
5 C.R. England refuses to pay accrued premium compensation for foregone meal and rest breaks
6 either during employment or as part of the employee's final paycheck. C.R. England maintains this
7 policy despite the fact that the amount of accrued premium pay for foregone meal periods which is
8 due and owing pursuant to its own internal time records is readily ascertainable and cannot be
9 denied in good faith.

10 20. Throughout his employment in California C.R. England also failed to provide
11 Plaintiff with accurate itemized pay statements in compliance with Labor Code section 226(a). In
12 particular, Plaintiff's pay statements failed to record the premium pay which he earned as a result
13 of working overtime or foregoing meal and rest breaks. Moreover, the pay statements provided by
14 C.R. England were consistently unintelligible and failed, among other defects, to identify the "total
15 hours worked by the employee," "the number of piece-rate units earned and any applicable piece
16 rate," the "name and address of the legal entity," and "all applicable hourly rates in effect during
17 the pay period and the corresponding number of hours worked at each hourly rate."

18 21. This conduct toward Plaintiff is consistent with C.R. England's uniform state-wide
19 policy and practice of failing to provide accurate itemized pay statements in compliance with Labor
20 Code section 226(a).

21 22. Pursuant to California Labor Code section 206.5, any purported agreement to waive
22 the minimum labor standards provided by California law "shall be null and void." Labor Code
23 section 219(a) provides that "no provision in this article may be set aside by a private agreement."
24 Labor Code section 1194(a), likewise prohibits any purported agreement to work for "less than the
25 legal minimum wage or the legal overtime compensation applicable to the employee." In the
26 present action Plaintiff is exclusively seeking to recover the compensation due him and the putative
27 class under the non-waivable minimum labor standards prescribed by the California Labor Code
28 and Wage Orders. Plaintiff is exclusively seeking to enforce the statutory rights and remedies of

1 the Labor Code and Wage Orders and is not seeking to enforce any right or remedy created by any
2 collective bargaining agreement.

3 4 **FIRST CAUSE OF ACTION**

5 **FAILURE TO PAY STATUTORY OVERTIME COMPENSATION**

6 **(By Plaintiff and the Class against all Defendants)**

7 23. Plaintiff hereby incorporates by reference and re-alleges each and every allegation
8 contained in the preceding and foregoing paragraphs of this Complaint as if fully set forth herein.

9 24. Pursuant to California Labor Code Section 510, subdivision (a), "Eight hours of
10 labor constitutes a day's work." Thus, the Labor Code California law requires, *inter alia*, that "any
11 work in excess in excess of eight hours in one workday and any work in excess of 40 hours in any
12 one workweek . . . shall be compensated at the rate of no less than one and one half times the
13 regular rate of pay for the employee."

14 25. Notwithstanding these clear and unambiguous requirements, Defendants have failed
15 and refused to pay the premium overtime compensation required by law to Plaintiff and the
16 members of the putative Class.

17 26. Pursuant to the California Unfair Competition Law, Business and Professions Code
18 section 17200 *et. seq.* (the "UCL"), this conduct constitutes an unfair business practice entitling
19 Plaintiff and the Class to obtain restitution of all unpaid amounts as well as all appropriate
20 equitable relief available under the UCL.

21 27. Plaintiff and the Class are further entitled to payment of applicable interest,
22 penalties, attorney fees and costs, and such other penalties and legal and equitable remedies as are
23 provided by law for Defendants' improper conduct, including penalties provided under the Labor
24 Code Private Attorney General Act of 2004 ("PAGA").

25 ///

26 ///

27 ///

28 ///

SECOND CAUSE OF ACTION

FAILURE TO PROVIDE MEAL BREAKS AND PREMIUM

COMPENSATION FOR MISSED MEAL PERIODS

(By Plaintiff and the Class against all Defendants)

28. Plaintiff hereby incorporates by reference and re-alleges each and every allegation contained in the preceding and foregoing paragraphs of this Complaint as if fully set forth herein.

29. Pursuant to California Labor Code Section 512 and applicable Wage Orders, an employer may not employ an employee for a work period of more than five hours per day without providing the employee with a meal period of not less than 30 minutes, during which time the employee must be fully relieved of all duty. Each failure to provide the specified meal period entitles the employee to receive an additional compensation premium equal to one hour of pay.

30. Pursuant to California Labor Code sections 226 and 1174, and applicable Wage Order provisions, Defendant C.R. England is required to keep accurate, itemized records of all hours worked and all compensation earned by Plaintiff and similarly situated employees.

31. Notwithstanding these provisions of law, Defendants have willfully refused to provide meal breaks to Plaintiff and the Class, or to pay the compensation earned by these employees as a consequence of working without timely breaks as required by law.

32. Pursuant to the California Unfair Competition Law, Business and Professions Code section 17200 et. seq. (the "UCL"), this conduct constitutes an unfair business practice entitling Plaintiff and the Class to obtain restitution of all unpaid amounts as well as all appropriate equitable relief available under the UCL.

33. As a consequence of Defendants' conduct, Plaintiff and the Class are further entitled to payment of applicable interest, penalties, attorney fees and costs, and such other penalties and legal and equitable remedies as are provided by law for Defendants' improper conduct, including penalties provided under the Labor Code Private Attorney General Act of 2004 ("PAGA").

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THIRD CAUSE OF ACTION

FAILURE TO PROVIDE REST BREAKS AND FAILURE TO PAY

PREMIUM COMPENSATION FOR MISSED REST PERIODS

(By Plaintiff and the Class against all Defendants)

34. Plaintiff hereby incorporates by reference and re-alleges each and every allegation contained in the preceding and foregoing paragraphs of this Complaint as if fully set forth herein.

35. Pursuant to applicable Wage Orders, an employer may not employ an employee for a continuous work period of more than four hours per day without providing the employee with a rest period of not less than 10 minutes, during which time the employee must be fully relieved of all duty. Pursuant to Labor Code section 226.7, each failure to provide a compliant rest period entitles the employee to receive an additional compensation premium payment equal to one hour of pay.

36. Notwithstanding these provisions of law, Defendants have willfully refused to provide rest breaks to Plaintiff and the Class, or to pay the compensation earned by these employees as a consequence of working without timely rest breaks as required by law.

37. Pursuant to the California Unfair Competition Law, Business and Professions Code section 17200 et. seq. (the "UCL"), this conduct constitutes an unfair business practice entitling Plaintiff and the Class to obtain restitution of all unpaid amounts as well as all appropriate equitable relief available under the UCL.

38. As a consequence of Defendants' conduct, Plaintiff and the Class are further entitled to payment of applicable interest, penalties, attorney fees and costs, and such other penalties and legal and equitable remedies as are provided by law for Defendants' improper conduct, including penalties provided under the Labor Code Private Attorney General Act of 2004 ("PAGA").

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FOURTH CAUSE OF ACTION

FAILURE TO PROVIDE ACCURATE ITEMIZED WAGE STATEMENTS

(By Plaintiff and the Class against all Defendants)

39. Plaintiff hereby incorporates by reference and re-alleges each and every allegation contained in the preceding and foregoing paragraphs of this Complaint as if fully set forth herein.

40. Pursuant to California Labor Code sections 226 and 1174, and provisions of the applicable Wage Orders, Defendants are required to maintain and provide accurate records relating to employee compensation including all formulas and production records used to calculate wages due, including any wages earned under any incentive, bonus or piece rate compensation plan.

41. Defendants are further required to provide semimonthly or at the time of each payment of wages, an accurate itemized statement showing: (1) gross wages earned; (2) total hours worked by any non-exempt employee; (3) the number of piece-rate units earned and any applicable piece rate if the employee is paid on a piece-rate basis; (4) all deductions from wages; (5) net wages earned; (6) the inclusive dates of the period for which the employee is being paid; (7) the name of the employee; (8) the name and address of the legal entity that is the employee's actual employer; and (9) all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee.

42. Notwithstanding these provisions, Defendants have engaged in a uniform practice of refusing to maintain and provide the accurate records and wage statements required by California law. This policy has included the failure to specify the applicable wage rates for each hour of work, failure to list the total hours worked, the failure to record and disclose compensation earned by employees under Labor Code section 226.7 for working through statutory meal and rest breaks, and the failure to disclose the name and address of the legal entity actually employing the employee.

43. Plaintiff and the Class have suffered actual injury as a result of having been deprived of the true facts pertaining to their compensation and employment.

44. As result, Plaintiff and the Class seek recovery of all authorized penalties, including penalties under Labor Code section 226(e) and the Labor Code Private Attorney General Act of

2004 ("PAGA"), as well as such other penalties or other legal and equitable remedies as are provided by law to redress Defendants' improper conduct, including applicable interest, penalties, attorney fees and costs.

FIFTH CAUSE OF ACTION

UNAUTHORIZED DEDUCTIONS FROM EARNED WAGES

(By Plaintiff and the Class against all Defendants)

45. Plaintiff hereby incorporates by reference and re-alleges each and every allegation contained in the preceding and foregoing paragraphs of this Complaint as if fully set forth herein.

46. California Labor Code section 221-223 and sections 400 et seq., as interpreted by the California Supreme Court, prohibit employers from subjecting employees to unpredictable deductions or requiring employees to act as the insurer of the insurer of the employer's business costs.

47. Notwithstanding these provisions, Defendants have engaged in a uniform practice of deducting items of their own business expenses from the wages of drivers and other non-exempt employees, including expenses for wire transfers and legal costs.

48. Plaintiff and the Class have suffered actual injury as a result of having been deprived of the true facts pertaining to their compensation and employment.

49. As result, Plaintiff and the Class seek restitution of all wrongfully deducted amounts and recovery of all authorized penalties, including penalties under the Labor Code Private Attorney General Act of 2004 ("PAGA"), as well as such other penalties or other legal and equitable remedies as are provided by law to redress Defendants' improper conduct, including applicable interest, penalties, attorney fees and costs.

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PRAYER

WHEREFORE, Plaintiff prays for judgment as follows:

1. For compensatory damages, in an amount according to proof;
2. For all statutory penalties authorized by law.
3. For restitution of all wrongfully withheld amounts and disgorgement of all ill-gotten profits, in an amount according to proof;
4. For a declaration that Defendants have engaged in unfair competition in violation of the California Unfair Competition Law, Business and Professions Code section 17200 *et seq.*
5. For preliminary and permanent injunctive relief requiring Defendants to cease and desist from further unfair competition and violations of law and to make restitution to those injured by its prior course of illegal wrongful conduct.
6. For prejudgment interest on all amounts owed;
7. For punitive damages;
8. For attorney fees and costs pursuant to all applicable provisions of law.
9. For such other and further relief the court deems just and proper.

Dated: July 1, 2008

VAN VLECK TURNER & ZALLER, LLP
Brian Van Vleck
Anthony J. Zaller

By: 

Brian F. Van Vleck

Attorneys for Plaintiff
BARRETTE JASPER

CONFIRMING

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State number, and address): Brian F. Van Vleck (SBN 155250); Anthony J. Zaller (SBN 224844) VANVLECK TURNER & ZALLER LLP 555 West Fifth Street, 31st Floor Los Angeles, CA 90013 TELEPHONE NO.: (213) 996-8445 FAX NO.: (213) 996-8378 ATTORNEY FOR (Name): Plaintiff Barrette Jasper		FOR COURT USE ONLY CONFIRMED COPY OF ORIGINAL FILED Los Angeles Superior Court JUL 01 2008 John A. Clarke, Executive Officer/Clerk By <u><i>D.M. Swain</i></u> , Deputy D.M. SWAIN
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012-3014 BRANCH NAME: Central District		
CASE NAME: JASPER, et al. v. C.R. ENGLAND		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	
Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER: BC393631 JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other P/DP/DWD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/DP/DWD (23) Non-P/DP/DWD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/DP/DWD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): Four

5. This case ☒ is ☐ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 1, 2008
 Brian F. Van Vleck

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES**Auto Tort**

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other P/DPD/W (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability *(not asbestos or toxic/environmental)* (24)
Medical Malpractice (45)
Medical Malpractice—
Physicians & Surgeons
Other Professional Health Care Malpractice
Other P/DPD/W (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/W (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other P/DPD/W

Non-P/DPD/W (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice *(not medical or legal)*
Other Non-P/DPD/W Tort (35)
Employment
Wrongful Termination (36) Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract *(not unlawful detainer or wrongful eviction)*
Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage *(not provisionally complex)* (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment *(non-domestic relations)*
Sister State Judgment
Administrative Agency Award *(not unpaid taxes)*
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint *(not specified above)* (42)
Declaratory Relief Only
Injunctive Relief Only *(non-harassment)*
Mechanics Lien
Other Commercial Complaint Case *(non-tort/non-complex)*
Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition *(not specified above)* (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

CONFORMING COPY

SPORT TITLE

JASPER, et al. v.C.R. ENGLAND, INC.

CASE NUMBER

CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☐ YES CLASS ACTION? ☒ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 10 ☐ HOURS/ ☒ DAYS.

Item II. Select the correct district and courthouse location (4 steps - If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked.

For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

1. Class Actions must be filed in the County Courthouse, Central District
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage)
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos- Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 2, 4. 1, 2, 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 2, 4
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress		1, 2, 3.	
<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 2., 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.

Non-Personal Injury/Property Damage/
Wrongful Death Tort (Cont'd.)

SHORT TITLE: JASPER, et al. v.C.R. ENGLAND, INC.	CASE NUMBER
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Employment

Contract

Real Property

Judicial Review Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3. 1, 2, 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2, 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3.
Other Employment (15)	<input checked="" type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5. 2, 5. 1, 2, 5. 1, 2, 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2, 5, 6 2, 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5. 1, 2, 3, 5. 1, 2, 3, 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property(not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6.
Unlawful Detainer- Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2, 6
Unlawful Detainer- Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2, 6
Unlawful Detainer- Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5.

Judicial Review (Cont'd.)

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

SHORT TITLE: JASPER, et al. v.C.R. ENGLAND, INC		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2, 8 2 2
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1, 2, 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 9. 2, 6. 2, 9. 2, 8 2, 8. 2, 8, 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8. 2, 8. 1, 2, 8. 1, 2, 8.
Partnership Corporation Governance(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late-Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2, 3, 9. 2, 3, 9. 2, 3, 9. 2 2, 7. 2, 3, 4, 8. 2, 9

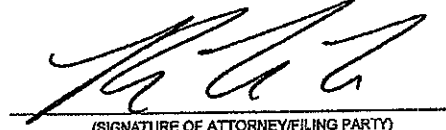
SHORT TITLE: JASPER, et al. v.C.R. ENGLAND, INC.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE		ADDRESS: CLASS ACTION TO BE FILED IN CENTRAL	
<input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			
CITY:	STATE:	ZIP CODE:	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds (b), (c) and (d)).

VAN VLECK TURNER & ZALLER LLP



(SIGNATURE OF ATTORNEY/FILING PARTY)

Brian Van Vleck
Attorney for Plaintiff

Dated: July 1, 2008

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev. 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the Chapter Seven Rules, as applicable in the Central District, are summarized for your assistance.

APPLICATION

The Chapter Seven Rules were effective January 1, 1994. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Chapter Seven Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

COMPLAINTS: All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

CROSS-COMPLAINTS: Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

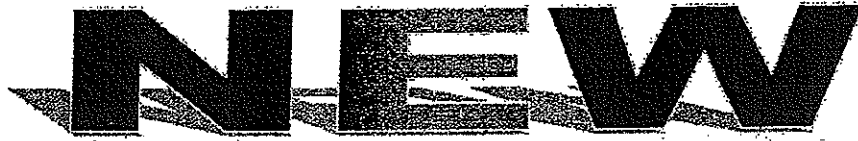
SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Seven Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Seven Rules. Such sanctions may be on a party or if appropriate on counsel for the party.

This is not a complete delineation of the Chapter Seven Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.

***Class Actions**

All class actions are initially assigned to Judge Victoria Chaney in Department 324 of the Central Civil West courthouse (600 S. Commonwealth Ave., Los Angeles 90005). This assignment is for pretrial purposes and for the purpose of assessing whether or not the case is complex within the meaning of California Rules of Court, rule 3.400. Depending on the outcome of that assessment, the class action case may be reassigned to one of the judges of the Complex Litigation Program or reassigned randomly to a court in the Central District.



from the
LOS ANGELES SUPERIOR COURT
ADR DEPARTMENT

If you have a general jurisdiction case involving one of these 6 subject matter areas:

- commercial
- employment
- medical malpractice
- real estate
- trade secrets
- unfair competition

***Your case may be eligible for the court's pilot
Early Neutral Evaluation (ENE) program.***

- ♦ **ENE can reduce litigation time and costs and promote settlement.**
- ♦ ENE is an informal process that offers a non-binding evaluation by an experienced neutral lawyer with expertise in the subject matter of the case. After counsel present their claims and defenses, the neutral evaluates the case based on the law and the evidence.
- ♦ **ENE is voluntary and confidential.**
- ♦ The benefits of ENE include helping to clarify, narrow or eliminate issues, identify areas of agreement, offer case-planning suggestions and, if requested by the parties, assist in settlement.
- ♦ **The first three (3) hours of the ENE session are free of charge.**

See back for a list of participating pilot courthouses and departments.

For additional ENE information, visit the Court's web site at www.lasuperiorcourt.org/adr

LOS ANGELES SUPERIOR COURT
CIVIL ALTERNATIVE DISPUTE RESOLUTION (ADR) PROGRAMS
 [CRC 3.221 Information about Alternative Dispute Resolution]

The plaintiff shall serve a copy of the ADR Information package on each defendant along with the complaint.

ADR PROGRAMS

"Alternative Dispute Resolution (ADR)" is the term used to describe all the other options available for settling a dispute which once had to be settled in court. ADR processes such as arbitration, mediation, early neutral evaluation (ENE), and settlement conferences, are less formal than court and provide opportunities for litigants to reach an agreement using a problem-solving approach rather than the more adversarial approach of litigation.

MEDIATION A neutral third party called a "mediator" helps participants in the dispute create their own resolution. The mediator helps facilitate a discussion in which the parties reach a mutually agreed upon settlement. Therefore, mediation allows for more creative resolutions to disputes than other ADR processes.

The Court Mediation Program is governed by Code of Civil Procedure sections 1775-1775.15, California Rules of Court, Rules 3.850-3.868 and 3.870-3.878, Evidence Code sections 1115-1128, and Los Angeles Superior Court Rules, Chapter 12.

ARBITRATION A neutral third party called an "arbitrator" listens to each side in the dispute present its case. The arbitrator, who is an attorney, issues a decision based on the evidence. Although evidence is presented, arbitration is a less formal process than litigation. The decision is non-binding unless the parties agree in writing to binding arbitration.

The Court Arbitration Program is governed by Code of Civil Procedure sections 1141.10-1141.31, California Rules of Court, Rules 3.810-3.830, and Los Angeles Superior Court Rules, Chapter 12.

ENE A neutral third party called an "evaluator" will provide the parties and their counsel, on a voluntary basis and in a confidential session, the opportunity to make summary presentations of their claims and defenses, including key evidence. After hearing the presentations, the evaluator, who is an experienced lawyer with subject-matter expertise, offers a non-binding evaluation.

The evaluator will also help clarify, narrow or eliminate issues, identify areas of agreement, offer case-planning suggestions, and, if requested by parties, settlement assistance. Although settlement is not the primary goal of ENE, the ENE process can reduce litigation time and costs and promote settlement.

The Court ENE Program is governed by Los Angeles Superior Court Rules, Chapter 12.

SETTLEMENT CONFERENCE A neutral third party called a "settlement officer," who is also a retired judge, assists the parties in negotiating their own settlement and may evaluate the strengths and weaknesses of the case.

JURISDICTIONAL LIMITATIONS

MEDIATION, ARBITRATION & ENE Any case in which the amount in dispute is between \$25,000-\$50,000 per plaintiff, and was not previously referred to the Court ADR Program, can be sent to the Court ADR Program for mediation, arbitration, or ENE by stipulation, election by plaintiff or order of the court.

Parties may *voluntarily* request or initiate a mediation or arbitration proceeding, regardless of the amount in dispute.

SETTLEMENT CONFERENCE Any case, regardless of the amount in dispute, may be ordered to a settlement conference. There is no monetary limit.

REFERRAL INFORMATION

After the Court determines the suitability of a case for ADR, the Court directs the parties to the ADR Department to initiate the ADR process. Once the parties have completed the ADR intake forms, a Neutral may be selected.

LOS ANGELES COUNTY DISPUTE RESOLUTION PROGRAMS ACT (DRPA) CONTRACTORS

The following organizations provide mediation services under contract with the Los Angeles County Department of Community & Senior Services. Services are provided to parties in any civil case filed in the Los Angeles County Superior Court. Services are not provided under this program to family, probate, traffic, criminal, appellate, mental health, unlawful detainer/eviction or juvenile court cases.

Asian-Pacific American Dispute Resolution Center
(213) 250-8190
(Spanish & Asian languages capability)

California Academy of Mediation Professionals
(818) 377-7250

Center for Conflict Resolution
(818) 380-1840

Inland Valleys Justice Center
(909) 397-5780
(Spanish language capability)

Office of the Los Angeles City Attorney Dispute Resolution Program
(213) 485-8324
(Spanish language capability)

Los Angeles County Bar Association Dispute Resolution Services
toll free number 1-877-4Resolve (737-6583) or (213) 896-6533
(Spanish language capability)

Los Angeles County Department of Consumer Affairs
(213) 974-0825
(Spanish language capability)

The Loyola Law School Center for Conflict Resolution
(213) 736-1145
(Spanish language capability)

Martin Luther King Legacy Association Dispute Resolution Center
(323) 290-4132
(Spanish language capability)

City of Norwalk
(562) 929-5603

DRPA Contractors do not provide legal advice or assistance, including help with responding to summonses. Accessing these services does not negate any responsibility you have to respond to a summons or appear at any set court date. See the reverse side of this sheet for information on the mediation process and obtaining legal advice.

THIS IS A TWO-SIDED DOCUMENT.

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION (ADR)			CASE NUMBER:

The undersigned parties stipulate to participate in an Alternative Dispute Resolution (ADR) process in the above-entitled action, as follows:

- ☐ Mediation
☐ Non-Binding Arbitration
☐ Binding Arbitration
☐ Early Neutral Evaluation
☐ Settlement Conference
☐ Other ADR Process (describe): _____

Dated: _____

Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

☐ Additional signature(s) on reverse

Exhibit "B"

1 Kathleen C. Jeffries
2 Cal. Bar No. 110362
3 Christopher C. McNatt, Jr.
4 Cal. Bar No. 174559
5 SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY, LLP
6 2 North Lake Avenue, Suite 460
7 Pasadena, CA 91101
8 (626) 795-4700
9 Fax: (626) 795-4790
10 kjeffries@scopelitis.com
11 cmcnatt@scopelitis.com

12 Attorneys for Defendant

13
14
15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES**

17 BARRETTE JASPER, on behalf of
18 himself and all others similarly
19 situated,

20 Plaintiffs,

21 vs.

22 C.R. ENGLAND, INC.,
23 and DOES 1 through 100, inclusive,

24 Defendants.

25 CASE NO. BC393631

26 **NOTICE OF REMOVAL TO**
27 **ADVERSE PARTIES AND**
28 **STATE COURT CLERK**

29 You are hereby notified that Defendant, C.R. England, Inc., has on August
30 11, 2008, filed in the U.S. District Court for the Central District of California its
31 Notice of Removal of this case. A copy of the Notice of Removal is attached
32 hereto.

33 Dated: August ____, 2008

34 Respectfully submitted,

35
36 Christopher C. McNatt, Jr.

37 Attorney for Defendant,
38 C.R. England, Inc.

39 Case No. BC393631
40 Notice of Removal

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, **Michelle Lazo**, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 2 North Lake Avenue, Suite 460, Pasadena, California 91101.

On, August 11, 2008, I served the foregoing document described as **NOTICE OF REMOVAL** on interested parties in this action by placing a ✓ true copy/ the original thereof enclosed in a sealed envelope addressed as follows:

Brian Van Vleck, Esq.
Anthony Zaller, Esq.
Van Vleck Turner & Zaller, LLP
555 West Fifth Street, 31st Floor
Los Angeles, California 90013

✓ **(BY MAIL)** I deposited such envelope in the mail at Pasadena, California. The envelope was mailed with postage thereon fully prepaid.

✓ I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Pasadena, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

✓ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

 (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on August 11, 2008, at Pasadena, California.


Michelle Lazo

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge George H. Wu and the assigned discovery Magistrate Judge is Carla Woehrle.

The case number on all documents filed with the Court should read as follows:

CV08- 5266 GW (CWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

COPY

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> BARRETTE JASPER, on behalf of himself and all others similarly situated,		DEFENDANTS C.R. ENGLAND, INC., and DOES 1 through 100, inclusive,	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Brian Van Vleck and Anthony Zaller, VAN VLECK TURNER & ZALLER, 555 West Fifth Street, 31st Floor, Los Angeles, CA 90013; (213) 996-8445		Attorneys (If Known) Kathleen C. Jeffries and Christopher C. McNatt, Jr., SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY, LLP 2 North Lake Avenue, Suite 460, Pasadena, CA 91101; (626) 795-4700	

II. BASIS OF JURISDICTION (Place an X in one box only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:35%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:45%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only) <input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Claims for employee-related compensation

VII. NATURE OF SUIT (Place an X in one box only.)					
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 535 General <input type="checkbox"/> 540 Death Penalty <input type="checkbox"/> 545 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input checked="" type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPER RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: _____

CV08-05266

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Utah

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
San Bernardino	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ **Date** August 11, 2008

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))